

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

In re:

ATOKA COUNTY HEALTHCARE AUTHORITY,

Debtor.

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Case No. 17-80016
Chapter 9

PATIENT CARE OMBUDSMAN REPORT

Deborah Burian, the duly appointed patient care ombudsman, pursuant to 11 U.S.C. § 333(b)(2) files hereby her twenty-fifth periodic report, for the period January 6, 2021 through March 6, 2021.

/s/ Mark B. Toffoli

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DEBORAH BURIAN

Patient Care Ombudsman's Twenty-fifth Report in re: Atoka County Medical Center

Case 17-80016

COMES NOW, Deborah Burian, Patient Care Ombudsman ("Ombudsman") and pursuant to 11 U.S.C. 333 submits her Twenty-fifth report.

Factual Background

On the 27TH day of January 2017, the United States Trustee for the Eastern District of Oklahoma appointed Deborah Burian as Patient Care Ombudsman in the case of Atoka County Healthcare Authority referred to herein as Atoka County Medical Center.

This is the Ombudsman's Twenty-fifth report and includes the reporting period from January 6, 2021 through March 6th, 2021.

Basis of Review

As a condition of participation in Medicare, the primary payor for most hospitals, facilities must be surveyed and ensured to be in compliance with the Conditions of Participation (42 CFR Part 485 Subpart F) by an approved body. This compliance survey is performed by either a state regulatory agency (Oklahoma State Department of Health - OSDH) or a private accrediting agency; most commonly the Joint Commission on Health Care Accreditation (JCAHO). Atoka County Medical Center is a "swing-bed" hospital meaning the hospital may use designated available beds for either Medicare licensed hospital care or Medicare licensed skilled nursing care. Thus, Atoka is responsible for meeting the Federal Regulations for Critical Access Hospitals and Swing-Beds in CAHs. (42 CFR 482.58)

While it is likely that some certification activities will resume in 2021, any potential time frames are unknown. Meanwhile, the hospital's license remains current and they continue to receive reimbursements as scheduled.

Critical Access care standards are established by regulation; regulations are then translated at the federal and state levels with "interpretive guidelines." These guidelines provide a map for the generally accepted quality of care which must be provided. States may have additional guidance, in any case where state and federal standards may differ, the more stringent regulation applies. Throughout the Ombudsman's monitoring role, in addition to other issues which may arise, Ombudsman is assessing whether observed care and services meet those requirements.

Sixty-Day Review

- 1) During this period Ombudsman remained in contact with the facility for purposes of monitoring. Atoka has successfully managed issues related to the COVID -19 Pandemic and is beginning to re-focus on community care.
- 2) In the period since the twenty-fourth report, there has been no further need for Atoka to access their "surge" plan to deal with high COVID admissions. Care needs of the community continue to be met. Facility is a member of Oklahoma's Covid-19 Region 5 and continues to

cooperate within the region to ensure patients requiring specialty care have access to treatment locally and regionally as needed. As of March 4, 2021, Atoka County is in the State of Oklahoma's "orange" status with 32.2 cases per 100,000.

- 3) Atoka Hospital remains in compliance with the Condition of Participation for Infection Control, C-0278 which states at 485.635(a)(3)(vi) *"This regulation requires the CAH to have facility-wide system for identifying, reporting, investigating and controlling infections and communicable disease of patients and personnel..."* and goes on to give guidance for communicable disease outbreaks including pandemics states *"Widespread pandemics present special challenges for CAH staffing, supplies, resupply, etc. CAHs should work with local, State, and Federal public health agencies to identify likely communicable disease threats and develop appropriate preparedness and response strategies."* The hospital has taken active steps to manage the increase of Covid-19 cases in the community including acquiring necessary equipment, creating separate units for the care of Covid-19 patients, controlling vendor access to the facility, and appropriately limiting visitation. The facility is now allowing limited visitation and anticipates further easing as case numbers improve.
- 4) During this review period, there were no issues with the delivery of therapeutic menus and compliance in following those menus. No complaints or concerns have been received regarding dietary services. At this time, there are no immediate concerns regarding the provision of dietary services. General food service standards, including sanitation are usually monitored by local city or county health departments. Atoka has not had a City/County Health Department survey in the last four monitoring periods. Ombudsman has reached out to the Atoka County Health Department, but it is unknown when regular survey practices will resume.
- 5) There have been no concerns reported by patients, families, or staff members in this period. As the COVID crisis continues to ease, it is anticipated that Ombudsman will resume regular monitoring visits.
- 6) Wherefore, Ombudsman, Deborah Burian prays the Court accept and approve this 60-day report of Deborah Burian and for such other relief as the court deems just and appropriate.

Respectfully submitted,

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